



**THE STATE BAR OF CALIFORNIA
COMMITTEE OF BAR EXAMINERS/OFFICE OF ADMISSIONS**

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**Information Regarding Incidents During the
February 2014 California Bar Examination and Grading of the Examination**

San Diego Test Center

During administration of the February 2014 California Bar Examination at the San Diego Test Center (SDTC) on Tuesday, February 25, 2014, there were incidents that caused disturbances near the end of the afternoon session. Two applicants who needed medical attention exited the testing room. After arriving at the test center, the emergency personnel walked through examination room and attended to both applicants in the lobby outside the examination room.

These incidents were reported to the Committee of Bar Examiners (Committee) after administration of the examination. The Committee asked its measurement consultants to determine whether the incidents adversely impacted applicant performance. Specifically, whether the Performance Test – A (PT-A) scores of the applicants taking the examination at the SDTC were lower than what would be expected on the basis of their scores on the rest of the examination.

The analysis took the same form and utilized the same methodology employed in investigating incidents that occurred during administration of prior examinations. Specifically, applicants were split into two groups: (a) those who could not have been affected by the incident (e.g., they were not taking the examination at SDTC) and (b) those who were at risk of being affected. Next, each group's mean score was computed on each test section. Finally, the mean scores of Groups A and B on PT-A were compared using both regression and pro-rata methodology. The incidents would have been classified as having an adverse impact if the applicants in Group B had lower scores for PT-A than what was estimated for them on the basis of their scores on the portions of the examination that could not have been affected by the incidents.

These analyses indicated that the incidents had no adverse impact on the performance of the applicants taking the examination at the SDTC; thus, adjustments to applicants' scores taking the examination at SDTC are not warranted.

The Committee believes it has taken all necessary steps to ensure that applicants at SDTC have been treated fairly. Individual requests from unsuccessful applicants for reconsideration of their scores based on their personal experiences as a result of these incidents will not be considered. While the Committee certainly regrets that these incidents occurred, the fact that they did was beyond its control.

Laptop Issues

Several applicants complained during and after administration of the examination about problems they had utilizing ExamSoft's software, SofTest. This matter was reported to the Committee and ExamSoft was also consulted regarding whether there was any widespread "glitch" with the software. While it is not doubted that applicants experienced these problems, issues were not very broad-based, and to the extent individuals did experience a challenge, it was generally resolvable by rebooting the computer as detailed in the instructions at each applicant's seat regarding what to do in the event of a computer malfunction. Affected applicants also had the opportunity to respond to problems they may have been having with their computers or the software by handwriting the remainder of their examination answers.

After review of the facts, it does not appear that making adjustments to applicants' scores would be appropriate. There were many variances in the technical proficiency of the users, in the types and ages of computers, and the other software applicants installed (such as security software that should have been un-installed prior to taking the examination), which made it difficult to identify any one factor that caused issues for all affected applicants. Many applicants did not follow the instructions to reboot their computers or ask for a handwriting packet. It is further noted that as part of the requirements for participation in the Laptop Computer program, every applicant agreed to:

...acknowledge that the State Bar does not warrant or guarantee the Software, nor does it accept any liability in the event there is a technical or mechanical failure of the personal laptop computer and all associated equipment, Software and/or associated materials during administration of an examination, the uploading of my examination answers, or in the printing of my examination answers.

...By my election to use a personal laptop computer to take an examination administered by the Committee, I also agree to begin or continue the examination by handwriting in the event there is any malfunction or issue with the computer, Software, electrical system or such other items associated with administration of the examination; and, understand I will not receive a refund of the fees I paid to use my laptop computer if any of these events should occur.

The Committee believes it has taken all necessary steps to ensure that applicants who experienced problems with their software and laptop computers have been treated fairly. Individual requests from unsuccessful applicants for reconsideration of their scores based on their personal experiences as a result of using their laptop computer will not be considered. While the Committee certainly regrets that some applicants experienced problems, the fact that they did was addressable by following written agreements and instructions and was otherwise beyond the Committee's control.